

Members

Rep. Peggy Welch, Chairperson  
Rep. Charlie Brown  
Rep. Robert Bischoff  
Rep. Mary Kay Budak  
Rep. Dennis Kruse  
Rep. Jeff Thompson  
Sen. Joseph Zakas  
Sen. Allen Paul  
Sen. John Waterman  
Sen. William Alexa  
Sen. James Lewis  
Sen. Sam Smith



## INTERIM STUDY COMMITTEE ON MARRIAGE AND FAMILY BUILDING INITIATIVES

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### MEETING MINUTES<sup>1</sup>

Meeting Date: September 26, 2002  
Meeting Time: 1:00 P.M.  
Meeting Place: State House, 200 W. Washington  
St., Room 156B  
Meeting City: Indianapolis, Indiana  
Meeting Number: 2

**Members Present:** Rep. Peggy Welch, Chairperson; Rep. Robert Bischoff; Rep. Mary Kay Budak; Rep. Dennis Kruse; Rep. Jeff Thompson; Sen. Joseph Zakas; Sen. John Waterman; Sen. William Alexa; Sen. James Lewis; Sen. Sam Smith.

**Members Absent:** Rep. Charlie Brown; Sen. Allen Paul.

Representative Welch called the meeting to order at 1:05 p.m. After an introduction of members, the Chairperson received testimony.

*Topic: Premarital Counseling and Report from ICHHI and FSSA*

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

**Beryl Cohen**, Project Director, Indiana Network for Economic Fairness, Indiana Coalition on Housing and Homeless Issues (ICHHI)

Ms. Cohen stated that the federal and state Temporary Assistance for Needy Families (TANF) funds should be focused on providing an economic safety net for all families. The secondary focus should be programs that help these families experience long-term economic gain and self-sufficiency. A family's basic needs should be addressed before marriage counseling. Ms. Cohen suggested that Indiana adopt a program similar to the Minnesota Family Investment Program which is a anti-poverty welfare reform program aimed at increasing both work effort and total income. (Exhibit A) The state could also could make marriage a more attractive option by forgiving the support arrears due the state if the couple gets married.

**Susan Kilty**, Legislative Liaison, Office of the Secretary of Family and Social Services (FSSA)

Ms. Kilty stated that FSSA does not have recommendations to enhance families. FSSA is awaiting guidance on the TANF block grant. Larger proportions of the TANF block grant are going to cash assistance than before. Child care funds are being reduced. Federal funds have remained the same but the number of people served has increased. This restricts the amount that can be spent on optional programs.

In response to Committee questions Ms. Kilty stated the following:

- FSSA has instituted a full-family sanction, which will sanction the entire family instead of just the adults' money. A person must be out of compliance for 90 days to be sanctioned.
- FSSA is now only disregarding 75% of income, so that families remain eligible as they earn more income to become self sufficient.
- The child care cut of \$9.7 Million may cause families to go back to full assistance.
- Vouchers specifically for child care and food stamps are electronic benefit transfers.
- The current federal poverty level is \$14,600 for a family of three.

**Kurt Smith**, Director, Indiana Family Institute

Mr. Smith distributed and discussed information concerning pro-marriage initiatives that are taking place in other states. (Exhibits B & C)

**Tim Gardner**, Indiana Family Institute

Mr. Gardner stated that pre-marriage counseling is the best way to help couples stay married. No state has mandated pre-marriage counseling but several states provide incentives for couples to receive pre-marriage counseling (such as reduced marriage license fees). The Tennessee program failed because it only asked the couple to verbally affirm that they had received counseling. Many couples lied to save the \$50. The Minnesota program has been more successful because it requires verification from a registered counselor.

Some other states require the counseling classes to be taught by licensed professionals.

Other pro-marriage proposals were discussed, including the following (see Exhibit D):

- Extend the current waiting period to obtain a divorce to 120 days.
- If minor children are involved, extend the divorce waiting period to 180 days and require a parenting plan as part of the final court order.
- Enact covenant marriage laws that allow couples to marry outside the current no-fault divorce laws.
- Create an alternative mediation system within existing family relations courts.

**Mike McKillip, Indiana Civil Liberties Union**

Mr. McKillip stated that marriage is a fundamental right. Mandatory counseling may conflict with constitutional rights, but the state could offer counseling as a benefit. The ICLU would like the marriage penalty on TANF recipients to be removed. The current fee for a marriage license is \$18, plus any fee added by the local government.

**Desmond Ryan, Indiana Catholic Conference**

Mr. Ryan stated that pre-marriage counseling is available at every Catholic church. A study by Creighton University analyzed premarital counseling and found the following:

- The view of marriage of the parents of the couple to be married has a great influence on whether or not the couple will remain married.
- If the couple is from the same church they respond better than other couples to pre-marriage counseling.
- Pre-marriage counseling is most effective in the early years of marriage.

Catholic Charities helps pay for counseling of low-income families, but is concerned about the load of people sent to them if the state or federal government will not help pay for counseling. With the limited state funds that are available there must be care when considering service cutbacks that affect children and their single moms.

The following points were made during Committee discussion and follow-up questions of previous witnesses:

- Incentives for counseling are good as long as the fees for couples who do not choose counseling are not too high.
- Any law that sets up a premarital counseling program must be specific (e.g. counseling topics that must be covered).
- Mandatory counseling is required for a divorce in 18 states if a child is involved.
- There is an ongoing demonstration project in Indiana to determine the effect of divorce counseling.
- Indiana's 60 day divorce waiting period is one of the shortest in the United States.
- 45% of first time married couples in Indiana eventually divorce.
- Indiana has the highest divorce rate in the Midwest.

After Committee discussion, the Committee decided to prepare drafts that would create a premarital counseling program similar to Minnesota's program, lengthen the waiting period to receive a divorce, and require divorce counseling.

*Topic: Termination of Parental Rights*

**Representative William Crawford, District 98, Indianapolis**

Rep. Crawford distributed information concerning termination of parental rights (TPR) and the child foster care population. (Exhibits E & F) TPR's are higher for African Americans than other population groups. African Americans are 8.2% of the state population but represent 40% of the children in foster care and 49% of the TPR's. The current system does not provide adequate support mechanisms to African American families. The state should look at ways to keep children with a biological family member whenever possible. The state should look at providing the same cash assistance to biological family members that other foster families receive. The children will do much better if they are placed in a stable environment. There are cases in which foster children are moved to new homes multiple times throughout the same school year.

**Susan Kilty, Legislative Liaison, Office of the Secretary of Family and Social Services (FSSA)**

Ms. Kilty distributed excerpts from the Field Guide to Child Welfare which is used to train the state's child welfare workers. (Exhibit G) Federal law requires a child's relatives to be considered first when placing a child. The Office of Family and Children is looking to recruit more African American foster parents and service providers. Data is also being collected to determine any common factors (e.g. race, income, age, etc.) in TPR cases.

Discussion by the Committee indicated that there are many instances where case workers in the county do not follow the procedures and guidelines established by FSSA.

*Topic: Paternity Establishment*

Ms. Kilty stated that one of the Office of Family and Children's top priorities is to achieve 100% establishment of paternity in each county. They try to get hospitals to help establish paternity within 72 hours of birth. County prosecutors receive funds for actions to establish paternity.

**Joe Hunt, Assistant Commissioner, Information Services and Policy, Indiana State Department of Health**

Mr. Hunt indicated that there are about 30,000 out of wedlock births in Indiana each year. About 20,000 of the fathers of these births are identified.

*Topic: Social Worker Training in Marriage Issues*

**Susan Kilty, Legislative Liaison, Office of the Secretary of Family and Social Services (FSSA)**

Ms. Kilty stated that child welfare consists of social work and auxiliary services that strengthen families and enable them to provide safe care for their children within their own home, communities, and cultures. Case workers neither encourage or discourage marriage.

Committee discussion questioned FSSA's neutral position on marriage and discussed

whether as a public policy the state should encourage marriage.

The Chairperson allowed the public to make any final comments, which included the following:

- The Committee should examine services that are available to foster parents and relatives who care for children.
- Changes to the Indiana tax system can have a positive effect on families.
- The state should examine raising the amount of the state income tax deduction for children.

Rep. Welch adjourned the meeting at 3:15 p.m.